

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MR. FIDEL L. REYES,

Case No. 1:20-cv-01011-NONE-SKO

Plaintiff,

ORDER TRANSFERRING CASE

v.

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE, et al.,

Defendants.

On July 23, 2020, Plaintiff Mr. Fidel R. Reyes, a state prisoner proceeding *pro se*, filed a complaint against Defendants Superior Court of California, County of Orange; Orange County Investigators; “District Attorneys” at the Superior Court of California, Orange County; “Judge” at the Superior Court of California, Orange County; and “BOP at CDCR.” (Doc. 1.) The complaint purports to allege claims pursuant to 42 U.S.C. § 1983 for violations of Plaintiff’s constitutional rights, apparently arising from his arrest, investigation, prosecution, conviction, and sentencing by those located in Orange County. (*See id.*)

1 The federal venue statute requires that a civil action, other than one based on diversity
2 jurisdiction, be brought only in “(1) a judicial district in which any defendant resides, if all
3 defendants are residents of the State in which the district is located; (2) a judicial district in which a
4 substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of
5 property that is the subject of the action is situated; or (3) if there is no district in which an action
6 may otherwise be brought as provided in this section, any judicial district in which any defendant is
7 subject to the court's personal jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

8 While Plaintiff is currently housed at a correctional institution within this judicial district,¹
9 none of the defendants as specified reside in this district.² In addition, the claims are alleged to have
10 arisen at the Superior Court of California, County of Orange (*see* Doc. 1 at 1), which is in the
11 Southern Division of the Central District of California. Therefore, Plaintiff’s suit should have been
12 filed in the United States District Court for the Central District of California, Southern Division. In
13 the interest of justice, a federal court may transfer a complaint filed in the wrong district to the
14 correct district. *See* 28 U.S.C. § 1406(a); *Abrams Shell v. Shell Oil Co.*, 165 F. Supp. 2d 1096, 1103
15 (C.D. Cal. 2001).

16 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States
17 District Court for the Central District of California, Southern Division.

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19 IT IS SO ORDERED.

20 Dated: July 23, 2020

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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27 ¹ Plaintiff alleges he is currently an inmate at the California Correctional Institution in Tehachapi, California. (*See*
Doc. 1 at 1.)

28 ² All of the defendants are listed as located in Orange County, except for “BOP at CDCR,” whose location is
unspecified. (*See id.* at 2.)